

**Proposed Substitute
Bill No. 5092**

LCO No. 5321

**AN ACT CONCERNING THE DISCONTINUANCE OF HIGHWAYS AND
PRIVATE WAYS BY MUNICIPALITIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 13a-49 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015, and*
3 *applicable to discontinuances or partial discontinuances considered on or after*
4 *said date*):

5 (a) (1) The selectmen of any town may, subject to approval by a
6 majority vote at any regular or special town meeting, by a writing
7 signed by them, discontinue any highway or private way, or land
8 dedicated as such, in its entirety, or may discontinue any [portion] part
9 thereof or any property right of the town or public therein, except
10 when laid out by a court or the General Assembly, and except where
11 such highway is within a city, or within a borough having control of
12 highways within its limits. [Any]

13 (2) Whenever the selectmen of a town meet to take final action on
14 the discontinuance or partial discontinuance of a highway or private
15 way, or land dedicated as such, the selectmen shall provide written
16 notice of their meeting to each owner of property that bounds the
17 highway or private way, or land dedicated as such. Such notice shall
18 be provided by mailing a notice of the date, time, place and subject of

19 such meeting of the selectmen to such owner at such owner's address,
20 as shown on the last-completed grand list of the town, by first class
21 mail, postmarked at least fifteen days prior to the date of such meeting.
22 If, in the opinion of the selectmen, the boundary lines or limits of such
23 highway or private way, or land dedicated as such, have become lost
24 or uncertain, the selectmen shall make reasonable efforts to identify the
25 boundary lines or limits of such highway or private way, or land
26 dedicated as such, and shall give notice of such meeting to each owner
27 of property that bounds such identified boundary line or limit in
28 accordance with this subdivision. Such reasonable efforts need not
29 include an examination of title, or abstracts thereof, or a land survey.

30 (3) If the selectmen vote to discontinue or partially discontinue the
31 highway or private way, or land dedicated as such, and such
32 discontinuance or partial discontinuance is approved by a majority
33 vote at any regular or special town meeting held on or after October 1,
34 2015, the selectmen shall cause to be recorded on the land records of
35 the town a notice of such discontinuance or partial discontinuance,
36 which notice shall include (A) a listing of each parcel of property
37 identified pursuant to subdivision (2) of this subsection to bound (i)
38 such highway or private way, or land dedicated as such, or (ii) such
39 identified boundary line or limit, and (B) the name of the owner of
40 each such parcel of property as shown in the last-completed grand list
41 of the town.

42 (4) (A) Except as provided in subparagraph (B) of this subdivision,
43 any person aggrieved [may be relieved by application] by a
44 discontinuance or partial discontinuance under this subsection may,
45 not later than six months after notice of approval is recorded on the
46 land records of the town pursuant to subdivision (3) of this subsection,
47 apply to the [Superior Court, to be made and proceeded with in the
48 manner prescribed in section 13a-62] superior court for the judicial
49 district in which such town is located.

50 (B) Any owner of property who is aggrieved by the failure to
51 receive the meeting notice required under subdivision (2) of this

52 subsection may apply to the Superior Court not later than six months
53 after notice of approval is recorded on the land records of the town
54 pursuant to subdivision (3) of this subsection. No discontinuance or
55 partial discontinuance shall be invalidated by such court on the basis
56 of the selectmen's failure to provide the meeting notice required under
57 subdivision (2) of this subsection to an owner of property if the town
58 establishes that (i) a meeting notice that meets the requirements of
59 subdivision (2) of this subsection was mailed to such owner's address,
60 as shown in the applicable last-completed grand list of the town, or (ii)
61 the selectmen made a good faith effort to identify the parcels of
62 property that bound the highway or private way, or land dedicated as
63 such, or such identified boundary line or limit, in accordance with
64 subdivision (2) of this subsection, and mailed notice to each owner of
65 such identified parcels of property, as shown in the applicable last-
66 completed grand list of the town.

67 **(b)** Whenever a petition has been presented to the selectmen for
68 such discontinuance or partial discontinuance of any land dedicated as
69 a highway or private way but which has not been actually used,
70 worked or accepted [] as a highway [] by the town, and such
71 discontinuance or partial discontinuance has not been made by the
72 selectmen and approved by the town within twelve months after such
73 presentation, any person aggrieved may [be relieved by application]
74 apply to said court [, to be made and proceeded with] in the manner
75 prescribed in section 13a-62, as amended by this act.

76 Sec. 2. Section 13a-62 of the general statutes is repealed and the
77 following is substituted in lieu thereof (*Effective October 1, 2015*):

78 Any person aggrieved by the doings of the selectmen in laying out a
79 highway may, within [eight] six months after the survey thereof has
80 been accepted by the town, apply to the superior court for the judicial
81 district in which such town is located for relief, causing such selectmen
82 to be cited to show cause why such relief should not be granted. Such
83 application shall be heard and determined by a committee of three
84 disinterested persons to be appointed by the court. If such committee

85 finds that such highway is not of common convenience and necessity,
86 said court shall set aside such layout, and, if said court sets aside such
87 layout, the costs shall be paid by the town; but, if such committee finds
88 that such highway is of common convenience and necessity, the
89 application shall be dismissed with costs. The report of such committee
90 may be set aside by the court for any irregularity or improper conduct
91 on its part. Proceedings under this section shall not prevent or delay
92 the opening or occupation of such highway.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015, and applicable to discontinuances or partial discontinuances considered on or after said date</i>	13a-49
Sec. 2	<i>October 1, 2015</i>	13a-62

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